

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-CR-10135-GAO
)	
THOMAS SCOLA, and)	
FEDERICO NIVAR)	
)	

GOVERNMENT'S ASSENTED TO MOTION TO CONTINUE TRIAL

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby moves this Honorable Court to continue the trial in the above-captioned matter until a date after August 1, 2006.

In support of this motion, the United States avers the following: 1) On January 26, 2006, this Honorable Court scheduled the trial in the above-captioned case for May 22, 2006; 2) The undersigned attorney for the government, who will prosecute the above-captioned case, was scheduled to prosecute United States v. Carlos Espinola, et al. before Judge Zobel on April 3, 2006; 3) On March 30, 2006, Judge Zobel rescheduled the Espinola trial to May 8, 2006, due to Court congestion; 4) The Espinola trial is expected to last three to four weeks; and 5) The Drug Enforcement Administration's (DEA) Mobile Enforcement Team investigated both the above-captioned case and the Espinola case, and essentially the same the DEA witnesses are needed for both trials.

As a result of the rescheduled Espinola trial, the

undersigned attorney for the government may be unavailable to begin the trial in the above-captioned case on May 22, 2006. Counsel for defendants Thomas Scola and Federico Nivar, Attorneys Janice Bassil and Page Kelley respectively, assent to this motion. Ms. Kelley suggested a trial date in August 2006. The government has no objection to an August 2006 trial date, but is scheduled to be out of the country the first week of August.

CONCLUSION

For the reasons stated above, the United States respectfully requests a trial continuance and exclusion from the calculations of the Speedy Trial Act of the time between May 22, 2006 and the date of trial.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/: David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 28, 2006.

/s/: David G. Tobin
DAVID G. TOBIN